

4-13-99 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., April 13, 1999.

Members present: Mayor G. Michael Shelton; Councilman H. Davis Ballard; Councilman Larry D. Brookshier; Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman Ronnie C. Rice; and Councilman Robert T. Wandrei.

Members absent: None.

Staff present: City Manager Craig Meadows; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

The Mayor presented Calvin Fields with a certificate of retirement and gifts upon his retirement from the Electric Department after twenty-nine years of service.

Mayor Shelton declared that the minutes of the March 23, 1999, regular Council meeting were approved as corrected.

The City Manager gave an update on the recruitment for the Director of Finance and Administration position. Mr. Meadows stated he has interviewed four finalists for the position and will probably announce the new Director at the next Council meeting.

City Manager Meadows stated the City has received a refund check from American Electric Power in the amount of \$1,400,000 as a result of the 1992 Rate Case.

Gene Ratzlaff, Electric Utility Director, reviewed a memorandum concerning Federal Energy Regulatory Commission orders regarding: 1992 Rate Case and Transmission of the initial 40 MW from PSI Energy.

Council will meet at 5:15 p.m. on April 27 to take a tour of the Museum, the new Middle School gymnasium, and the new 911 Center.

Councilman Ballard invited members of Council to participate in the Keep Bedford Beautiful Commission Cleanup day on Saturday, April 17, beginning at 8:00 a.m.

Mayor Shelton stated the Bedford Youth Sport Boosters is having an opening day ceremony for the baseball/softball program on April 17 beginning at 10:00 a.m. at Liberty Lake Park.

Mayor Shelton asked that the Property Committee be prepared to meet with the City Manager to review the proposals for the Master Site Study for Bedford Middle School, and also that the Bedford City School Board appoint two members to work with the Property Committee on that issue.

The Clerk of Council read aloud the following notice of public hearing:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Planning Commission at 5:30 p.m. on Thursday, April 1, 1999, and by the City Council at 7:30 p.m. on Tuesday, April 13, 1999, at the City Municipal Building, Council Hall, 215 E. Main Street for the purpose of considering the following request:

To consider rezoning parcels Tax Map #212-A-2, Tax Map #211-A-5 and Tax Map #232-A-3 of The D-Day Memorial Park property located at 804 Burks Hill Road from PRD (Planned Residential District) to PMPD (Planned Memorial Park District). The request is being made by The National D-Day Memorial Foundation, 202 East Main Street, Bedford, VA 24523.

To consider a conditional use to allow a sign to be placed at the entrance of Ole Turnpike Road for directional signage from Interstate 460 to the Super 8 Motel. The request is being made by McGem LLC, doing business as Super 8 Motel, 842 Ole Turnpike Road, Bedford, VA 24523.

Information regarding this rezoning is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to this request will have an opportunity to express their view at this hearing.

By the Authority of the Planning Commission
and City Council of the City of Bedford

Mayor Shelton opened the public hearings at 7:55 p.m.

Mr. Lewis Harrison, Attorney, spoke regarding the National D-Day Memorial.

Mr. Richard Burrow, President of the National D-Day Memorial Foundation, described plans and a model of the Memorial and informed Council of the construction progress of the project.

As there were no further comments on the D-Day Memorial Foundation's rezoning request, the Mayor asked for comments on the conditional use request to allow a sign to be placed at the entrance of Old Turnpike Road for directional signage from Route 460 to the Super 8 Motel.

As there were no comments, Mayor Shelton closed the public hearing at 8:14 p.m.

The Consent Agenda consisted of the following items:

Appointment of David Polk to the City Planning Commission to fill a vacancy, said term to expire March 31, 2001.

Appointment of Julie Polk to the Central Virginia Community Services Board to fill a vacancy, said term to expire December 31, 2000.

Reappointment of Brian D. Buchanan to serve a three-year term on the Recreation Advisory Commission, said term to expire June 30, 2002.

Vice Mayor Messier moved that the Consent Agenda be adopted. The motion was seconded by Councilwoman Flood, voted upon and carried unanimously.

Mayor Shelton stated Council had a recommendation from the Planning Commission regarding the rezoning request of the National D-Day Memorial Foundation.

The Mayor stated that Council also had a copy of a memorandum from the City Attorney regarding a clarification of the Planning Commission's recommendation.

The City Attorney spoke about the configuration of the intersection of the access road to the school and the access road to the Memorial site. Mr. Berry reported that at the Planning Commission meeting, Mr. Richard Burrow, President of the National D-Day Memorial Foundation, stated the Foundation's design was conceptual and the Foundation would be willing to make any changes to accommodate any requests by the City.

City Attorney Berry indicated his concern is that the City understands exactly what that configuration will be. The City Attorney stated the traffic notes on the Foundation's plan indicated that the incoming school traffic from Burks Hill Road may make an uninterrupted left turn movement; whereas Dewberry & Davis, the City's consultant firm, indicated that probably was not the best idea, that the major flow should be a continuous flow into the school, but with a flow directly into the Memorial site.

Mr. Lewis Harrison, Attorney, stated the Foundation has no problem with the idea that there would be a continuous traffic flow to the school; however, the Foundation does not want to bind itself to that particular drawing because it was not intended as an engineering drawing, and the Foundation's engineers have not talked to Dewberry & Davis. Mr. Harrison stated the Foundation feels very confident that a design can be done that will meet everyone's expectations and there will be a continuous flow to the school.

The City Attorney stated the City staff would then review the design when presented and it would not have to come back to the Council.

Mayor Shelton stated the basis for a motion to approve the request could be as follows: that Council approve the conditions as set forth by the Planning Commission that the primary master plan of development shall be reviewed by the Commission and approved by the City Council and that the traffic pattern for the school access road shall be a continuous flow to the school, minor traffic flow to the Memorial.

Discussion ensued.

Councilman Brookshier moved that City Council approve the rezoning of the parcels as indicated through the report from the Planning Commission of the National D-Day Memorial Park Property from Planned Residential District (PRD) to Planned Memorial Park District (PMPD) with the condition that the rezoning application and the primary master plan shall be reviewed by the Commission and approved by the City Council and that the intersection shall be designed so as to assure the traffic pattern for the school access road shall be a continuous flow to the school and minor traffic flow to the Memorial. The motion was seconded by Vice Mayor Messier.

The City Attorney suggested that the action of Council should be to approve the master plan and approve the rezoning of the parcels from PRD to PMPD with the understanding that the traffic pattern for the school access road shall be a continuous flow to the school and minor traffic flow to the Memorial.

Mayor Shelton stated that he was using the language from the recommendation of the Planning Commission.

The City Attorney explained that once Council approves the master plan and the rezoning request, then

everything else is approved by the Planning Director unless there are substantial variations from the master plan, in which case, those would come back.

The City Attorney and Chairman of the Planning Commission indicated that the recommendation of the Commission was stated incorrectly in the memorandum that Council had before them. The City Attorney stated that he met with the Clerk of the Planning Commission on April 12, reviewed the minutes, and pointed out that the minutes did not correctly reflect the action of the Planning Commission.

Mayor Shelton commented that any future recommendations from the Planning Commission need to be very clear about what their action is, so there is no question when it comes before Council.

The City Attorney stated the Planning Commission recommended that City Council approve the master plan and approve the rezoning.

Mayor Shelton suggested that the motion be as follows: that Council approve the rezoning and the master plan (for the D-Day Memorial Park property), with the condition that the intersection be designed so as to assure the traffic pattern for the school access road shall be a continuous flow to the school and minor traffic flow to the Memorial.

Councilman Brookshier, who made the motion, and Vice Mayor Messier, who seconded the motion agreed to the Mayor's clarification of the motion.

There was a brief discussion about the field at the Elementary School and the sign for the school, which was erected by the PTA. Mr. Burrow stated that on March 31, the field was reseeded for the third time. Mr. Burrow also indicated the school sign is not part of the master plan for the D-Day Memorial.

The motion was then voted upon and carried unanimously.

Discussion ensued regarding the conditional use request to allow a sign to be placed at the entrance of Ole Turnpike Road for directional signage from Route 460 to the Super 8 Motel.

The sign ordinance was also briefly discussed.

Councilman Ballard moved that City Council allow a non-advertising, directional sign less than four square feet in area and without internal lighting, to be placed on private property at the entrance of Ole Turnpike Road for directional signage from US Route 460 to the Super 8 Motel. The conditional use would be valid for a period of one year from the issue date. The motion was seconded by Vice Mayor Messier.

During discussion, the Mayor stated that Council should have information as to the basis for the sign ordinance in order to understand more about it.

The motion was then voted upon and carried unanimously.

Councilman Ballard asked about the status of the conditional use granted for the dental clinic in an R-1 zone.

Mayor Shelton indicated that Council approved the conditional use for the dental clinic to be located at its present site and that there was no time frame attached to it.

Mr. Burrow stated the D-Day remembrance will be held on Memorial Day at 10:00 a.m. on the D-Day Memorial site. Mr. Burrow invited the Mayor to accompany the Foundation's representatives to the 55th Anniversary of D-Day being held in the Normandy area of France.

Mayor Shelton adjourned the meeting at 8:54 p.m. until Tuesday, April 27, at 5:15 p.m., in the Council Hall in order for Council to take a tour of facilities.